

Attorney Docket No.: **DEX-0207**
Inventors: **Macina et al.**
Serial No.: **09/867,034**
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In the Claims:

Please amend the claims as follows:

1. (amended) An isolated and purified nucleic acid comprising:

(a) a polynucleotide of SEQ ID NO: 5 or
(b) a polynucleotide with ~~97% identity to SEQ ID~~
~~NO: 5 which is capable of hybridizing under stringent~~
~~conditions to the antisense sequence of SEQ ID NO: 5~~
~~which, due to degeneracy in genetic coding, comprises~~
~~variations in nucleotide sequence as compared to SEQ ID~~
~~NO: 5, but which still encodes the same protein.~~

REMARKS

Claims 1 and 15 are pending in the instant application. The rejection of claim 1 has been maintained under 35 U.S.C. § 112, first paragraph, with respect to language in the claims regarding "97% sequence identity" and "capable of hybridizing". Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have amended claim 1 to remove reference to polynucleotide with 97% sequence identity to an antisense sequence capable of hybridization. Instead claim 1 has been amended to be drawn to an isolated